



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
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November 2, 2021

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear Judge Nathan:

The Government respectfully submits this letter in response to the Court's Order dated October 29, 2021 (Dkt. No. 420) ordering the Government to respond to the defendant's October 29, 2021 letter regarding delivery of the defendant's legal mail at the Metropolitan Detention Center ("MDC") (Dkt. No. 381). The Government also writes in response to questions raised by the defense at the November 1, 2021 conference about materials sent to the defendant last week.

The Government has conferred with legal counsel at the MDC, and was informed of the following: Legal mail from a defendant's counsel sent through the United States Postal Service ("USPS") has a different delivery process than that outlined in the Government's October 15, 2021 letter as to electronic discovery provided by the Government (Dkt. No. 350). MDC's Legal Department is not involved in the delivery of legal mail sent by a defendant's counsel. Instead, MDC mail room staff must pick up such mail from the post office once every business day. The mail room staff picks up the mail in the morning. After picking up the mail, the mail room staff must log the mail. Once the mail is logged, the respective unit managers retrieve the mail from the mail room and deliver the mail to the inmates. If, for example, mail is delivered to the post

office at 12 p.m. on Monday, but the mail room staff already picked up the mail for the day, the mail would not be retrieved by MDC mail room staff until Tuesday, at which point mail room staff would log the mail so it could then be delivered to the inmate by the unit manager.

In connection with the questions raised at the November 1, 2021 conference about the delivery of materials sent by the Government to the defendant, the Government notes the following: The Government sent materials to the defendant on disks on October 27 and October 29, 2021. The Government sent those materials by disk directly to the defendant via certified mail in accordance with BOP policy. According to the USPS website, those disks were delivered on November 1 and November 2. Legal counsel at the MDC is following up on the status of the delivery of those disks. In any event, the Government also sent those materials via FedEx to legal counsel at the MDC on a hard drive on October 29, 2021, the same day the defense provided the drive to the Government.¹ That same day, the Government informed legal counsel at the MDC that it had sent the hard drive.² According to the FedEx website, the Government understands that the hard drive was received by the MDC on November 1, 2021. Legal counsel at the MDC has informed the Government that it will hand deliver that hard drive to the defendant today.

Legal counsel at the MDC informed the Government that it was not involved in the delivery of the legal mail sent to the defendant by her counsel as set forth in Exhibit A of the defendant's October 29, 2021 letter. Legal counsel at the MDC looked into the tracking numbers provided by defense counsel in Exhibit A. According to legal counsel at the MDC, the package scheduled for delivery on Saturday, October 9, 2021 was delivered to the defendant on October 12, 2021

¹ The Government has asked defense counsel to provide it with hard drives so it can produce additional materials on hard drives via FedEx rather than on disks via certified mail.

² According to legal counsel at the MDC, MDC staff picks up mail for delivery to inmates Monday through Friday.

(Monday, October 11 was a federal holiday); the package scheduled for delivery on October 14, 2021 was delivered to the defendant on October 15, 2021; the package scheduled for delivery on Saturday, October 16, 2021 was delivered to the defendant on Monday, October 18, 2021; and the package scheduled for delivery on October 28, 2021 was delivered on October 29, 2021. Legal counsel at the MDC has explained to the Government that defense counsel's request that the MDC be directed to retrieve the mail within one business day of receipt by the post office is burdensome and is not practicable in light of the procedures outlined above, which apply to the 1,700 inmates at the MDC. The MDC mail staff will continue to follow its standard procedures and retrieve mail from the post office every morning of the business week.

As to the issues raised at the November 1, 2021 conference regarding the transportation of the defendant to the Southern District of New York courthouse for proceedings in this matter, according to legal counsel at the MDC, the procedures are similar to those used for other inmates, but the timing varies slightly. To the extent the Court requires specific details on the timing of transportation of the defendant as compared to other inmates, legal counsel at the MDC has expressed security concerns about putting such details in a publicly filed letter. To extent the Court needs that information, the Government would request permission to confer further with legal counsel at the MDC and authorization from the Court to provide such information under seal. The Government understands from the United States Marshals Service that the clothing and lunches provided to the defendant are provided by the Bureau of Prisons, and that the lunch does not usually require the use of utensils. This is the same for all defendants.

Should the Court have any questions or require any additional details regarding this topic, the Government will confer with legal counsel at the MDC and provide additional information.

